

# Ohio Department of Public Safety Deportment Record for Employee #03941



Report Generated On: 2/6/2018 5:33:37 AM

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## OHIO DEPARTMENT OF PUBLIC SAFETY DISCIPLINARY TRAIL OHIO STATE HIGHWAY PATROL

OSTA / OCSEA / FOP / 1199 / EXEMPT A.I. # 2018 - 0077

Name	ee(s) Involved: Stacey Arnold-Yerkes	Job Class	Sergeant	Divi	sion	OSHP	Section	D-1 Criminal Patrol
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#### **Synopsis**

Sergeant Stacey Arnold-Yerkes Unit 1661 GHQ Criminal Patrol

Allegation – Sergeant Arnold-Yerkes has a tattoo on her right forearm which is visible in her Class C uniform. Arnold-Yerkes knew this was prohibited by policy.

Answer – **Founded:** Arnold-Yerkes has a large tattoo on her right forearm. The tattoo was printed on her forearm in the summer of 2017. She was aware it was a violation of Division policy.

Allegation – Arnold-Yerkes disobeyed a written direct order from Captain Kemmer.

Answer – **Founded:** During her interview, Arnold-Yerkes admitted she disobeyed a direct order from Kemmer. Arnold-Yerkes stated she regrets her actions.

### INTER-OFFICE COMMUNICATION

STATE

Date	February 5, 2018	PATROL	File	2-ADM
То	Major Richard S. Fambro	· · · · · · · · · · · · · · · · · · ·	Attention	S/Lt. Chad A. Miller
From	Lieutenant Terry Bush, Administr	rative Investigat	ion Unit	
	Administrative Investigation # 20	)18-0077, Sergea	ant Stacey A	rnold-Yerkes, Unit 1661, GHQ,
Subject	Criminal Patrol	<u></u>		
Subject	Criminal Patrol			

#### **Background**

Captain Michael Kemmer, Commander of Criminal Patrol, received information from two Criminal Patrol troopers that Sergeant Stacey Arnold-Yerkes had a tattoo on her forearm that would be visible if she was wearing the class C uniform. (Attachment A, B). Arnold-Yerkes was wearing a medical sleeve over the tattoo to cover it.

On February 2, 2018, Kemmer called Arnold-Yerkes into his office and gave her a direct written order (Attachment C) to show him both her forearms. Arnold-Yerkes refused Kemmer's order.

#### Captain Michael Kemmer – Witness

Captain Kemmer was interviewed on February 5, 2018, at 10:46 a.m., at the Shipley Building. Staff Lieutenant Chad Miller was present for the interview. The following is a summary of the digitally recorded interview:

Kemmer has 20 years with the Division and was promoted to his current rank in October 2017. His immediate supervisor is Major Gene Smith. Kemmer is the Criminal Patrol Commander for the entire Division, and as such Arnold-Yerkes falls under his command.

In August 2017, an allegation was made that Arnold-Yerkes had a tattoo on her forearm. At the time the allegation was not specific to which forearm the tattoo was on. Kemmer does not know who made the initial allegation. He did recall there were e-mails between Staff Lieutenant William Stidham, Criminal Patrol, and Captain John Altman, Findlay District Commander, discussing Arnold-Yerkes wearing a medical brace (Attachment D), and there were people who believed she had a tattoo which was being concealed under the brace. Kemmer was informed Trooper Tony Martin was the first person who noticed the tattoo.

Kemmer stated in August, when the allegation was made, he was a staff lieutenant in Criminal Patrol, and Arnold-Yerkes fell under the command of Stidham. He was aware that former Criminal Patrol Commander, Captain Richard Meadows (retired), Stidham, and Criminal Patrol Lieutenant Nathan Dickerson were having discussions about and dealing with the allegation. Stidham had contacted the

Office of Personnel, Professional Standards Unit, and was advised that based on the allegations he could ask Arnold-Yerkes to remove the brace to determine if she had a tattoo. Arnold-Yerkes was also required to have a DPS 0066, Medical Appraisal of Work Capacity (Attachment E), on file if she was going to continue to wear the brace.

Stidham advised Meadows of the information he received from the Professional Standards Unit and Meadows advised him to let Dickerson handle the situation. Stidham told Kemmer he went to Dickerson and advised him to verify if Arnold-Yerkes had a tattoo on her arm, and if she did not, then a DPS 0066 needed to be completed and filed so she could continue to wear the brace. Kemmer's understanding was that Dickerson took care of it because there was a DPS 0066 on file which was signed on September 7, 2017, by the Academy Doctor, Dr. Roman Kovac.

During the fourth quarter Criminal Patrol Awards Ceremony at the Academy on October 30, 2017, Kemmer heard there were some personal conflicts going on between Arnold-Yerkes and other members of the Findlay District Criminal Patrol Team. After the awards ceremony, Kemmer met with Stidham, Dickerson, and Lieutenant Scott Wyckhouse, Findlay Criminal Patrol Commander, to arrange for Dickerson and Wyckhouse to have a meeting with Arnold-Yerkes and Sergeant Nathan Henn, Findlay Criminal Patrol, so they could talk and work out any personal conflicts that existed. Wyckhouse informed Kemmer his units were still informing him that Arnold-Yerkes had a tattoo on her arm. Wyckhouse asked Dickerson if Arnold-Yerkes had a tattoo, and Dickerson told the group she did not.

On January 26, 2018, Kemmer met in Lima with Arnold-Yerkes, Dickerson, Stidham, Sergeant Shaun Smart, and Sergeant Breck Williamson, who are both Criminal Patrol members, to discuss criminal patrol issues. During the meeting, Arnold-Yerkes brought up she felt stressed and members of the Findlay Criminal Patrol team do not like her, and she said she was going through a lot of "grief" with them. Arnold-Yerkes informed them she knew another member of the team, Trooper Ryan Stewart, was making allegations about her related to her job performance.

Kemmer was asked if Troopers Michael Ziehr or Tony Martin would have any reason to make up an allegation about Arnold-Yerkes alleging she had a tattoo. Kemmer said there was no reason for either Ziehr or Martin to make up this allegation. Martin is attached to a DEA Task Force and has little to no contact with Arnold-Yerkes. Ziehr is on a last chance discipline for dishonesty, and it did not make sense for him to make up a false allegation on Arnold-Yerkes and risk being terminated.

Kemmer stated on January 30, 2018, Stidham informed him Wyckhouse was told by his units that Arnold-Yerkes still had a tattoo on her forearm. On January 31, 2018, Kemmer contacted Wyckhouse to do some additional fact finding on the tattoo allegation. Wyckhouse confirmed Ziehr and Martin were confident they had seen a tattoo on Arnold-Yerkes' forearm. Kemmer requested Ziehr and Martin send an e-mail summarizing their knowledge of the tattoo.

On February 2, 2018, Kemmer was at the Academy meeting with several Criminal Patrol units. After the initial meeting he then met with Arnold-Yerkes, Dickerson, and Staff Lieutenant Brent Hunter, Criminal Patrol, in the VIP room in the Academy cafeteria. He informed Arnold-Yerkes the reason for the meeting was related to allegations she had a tattoo which would be visible in the Division class C uniform (short sleeve shirt). He acknowledged he was aware she had been told if she was going to wear a brace on her arm she needed a DPS 0066 on file, which they had. It had been filed on September 7, 2017.

Kemmer stated after the meeting on October 30, 2017, in which Dickerson told Wyckhouse that Arnold-Yerkes did not have a tattoo, he thought the issue was "put to bed" until he received a phone call from Stidham on January 30, 2018, when he was informed there were units still stating Arnold-Yerkes had a tattoo. Kemmer directly asked Arnold-Yerkes if she had a tattoo on either of her arms which would be visible in a class C uniform, and she told him, "Capt, I'm not answering that question." Arnold-Yerkes told him she had a medical condition. Arnold-Yerkes also told him Stidham had made the comment "I wonder if she takes it off in the shower," and said that was a personal issue, and she was "taken back by that comment." Kemmer asked her to take off her jacket and roll up her sleeves so he could look at her arms. Arnold-Yerkes told him, "I'm not doing it." Kemmer provided a written order to Arnold-Yerkes ordering her to show him her arms. He said Arnold-Yerkes did not even look at the order, so he verbally advised her what the order said. Arnold-Yerkes again replied, "I'm not doing it." Kemmer advised her she was being insubordinate and she was dismissed. He informed her he would be contacting the Administrative Investigation Unit. Arnold-Yerkes then left the room.

Kemmer spoke to Dickerson about the situation, and told Dickerson it was "bullshit" that he was dealing with this tattoo issue and it should have been handled in August. Kemmer told Dickerson it was a "problem" if he did not look at her arm to verify if she had a tattoo, and if he looked at her arm and she had a tattoo it was a "bigger problem." Kemmer reiterated the DPS 0066 on file for Arnold-Yerkes was signed on September 7, 2017, by the Academy doctor, and she was not in Columbus on that day, so he believed she did not see the doctor. Dickerson was not asked for a response and was dismissed from the room. Kemmer used the unit history from Premiere One CAD to verify Arnold-Yerkes was not in Columbus on September 7, 2017.

When asked, Kemmer did not know the exact conversation Stidham had with Dickerson in regards to verifying Arnold-Yerkes' tattoo. Kemmer did not have any direct conversation with Dickerson regarding if or how he checked to verify Arnold-Yerkes did not have a tattoo. The only conversation Kemmer was involved in which the tattoo was discussed was with Dickerson during the meeting on October 30, 2017, where Dickerson told Wyckhouse Arnold-Yerkes did not have a tattoo.

Kemmer advised this was the first time he ever had to give a written order to a unit. He stated Arnold-Yerkes was insubordinate to him in not obeying the order. Arnold-Yerkes did not ask any questions related to the written order or provide any reason why she could not comply with it. Kemmer had nothing further to add to the interview.

#### Trooper Michael Ziehr - Witness

On February 5, 2018, Sergeant Jacob Fletcher interviewed Trooper Michael Ziehr as a witness to this investigation. Ziehr has been on the Highway Patrol for six years and has been a District One K-9 handler for almost two years. The following is a summary of the digitally recorded interview:

Ziehr admitted he actually saw a tattoo on Arnold-Yerkes' right forearm while they were out to dinner at a DIAP conference in Tennessee in August 2016. He said they were eating at the sport's bar inside the Grand Ole Opry Hotel. Ziehr described the tattoo as a small red heart (**Attachment E**) with a reading from a heart machine (EKG/zig zag line) coming from it in black. He thought it was only a couple inches long. He said it was not very big, and that was the only time he had seen it. He explained

Arnold-Yerkes was wearing a short sleeve shirt, and he could see it when she reached for things. Ziehr said it did not appear as if she had just gotten the tattoo; it was not red or in a healing state.

Ziehr said there were other Patrol personnel at the dinner, but he could not recall anyone else besides Trooper Tony Martin. He knew Arnold-Yerkes' family was there to include her wife, mother, and son. He explained their table as a large rectangular table. He said Arnold-Yerkes was sitting to his right, but he was unsure if there was someone sitting in between them.

Ziehr stated it "threw him off" when he observed the tattoo because "we're not supposed to have them." He said no one spoke about it. He never asked Arnold-Yerkes about the tattoo after the fact. He thought the tattoo was real when he observed it. Fletcher asked Ziehr why he never mentioned the tattoo to anyone, and Ziehr replied, "I didn't think it was my place to." He explained he felt this way because he is a trooper and Arnold-Yerkes is a sergeant.

Ziehr stated everything he said was true and accurate. Fletcher ordered Ziehr not to discuss the investigation with anyone, and he acknowledged the order.

### **Trooper Anthony Martin - Witness**

On February 5, 2018, Sergeant Jacob Fletcher interviewed Trooper Anthony Martin as a witness to this investigation. Martin advised he is a five year veteran of the Highway Patrol and has been the District One Criminal Patrol investigator/DEA task force officer for the past year and four months. The following is a summary of the digitally recorded interview:

Fletcher asked Martin what he could tell him about Arnold-Yerkes' tattoo. Martin stated to the best of his knowledge he had not seen the tattoo; it was covered by her medical sleeve. Martin looked at Arnold-Yerkes' medical sleeve approximately five times and noticed what appeared to be a dark object approximately two to three inches in diameter under it. He said the area looked the same every time he saw it. Martin could not see any specific color, nor did he ask her about it.

Martin acknowledged he attended the dinner while at the DIAP conference; however, he did not recall seeing a tattoo on Arnold-Yerkes' arm. He had previously spoken with Ziehr about him (Ziehr) seeing a tattoo, but Martin had never actually seen it. Martin said Trooper Ann Malone and Sergeant Evan Slates were also present for the dinner, but he could not recall anyone else other than Arnold-Yerkes' family.

Martin could not say one hundred percent that Arnold-Yerkes has a tattoo, but from what he has seen he believed it to be a tattoo. He never asked Arnold-Yerkes about the tattoo; he did not feel his relationship was to that point with Arnold-Yerkes. He did not wish to tarnish their working relationship by asking her about it. He does not hang out with Arnold-Yerkes off duty and had not noticed any photos on Facebook of a tattoo on her arm.

Martin said the DIAP conference lasted four days. He said throughout the conference it seemed like Arnold-Yerkes was not around much and no one seemed to know where she was. He said they discussed it and wondered where she was. He added even during the Atlanta conference she was not around much. He said it was "odd."

Martin advised Fletcher everything he said was true and accurate. Fletcher ordered him not to discuss the interview with anyone, and he acknowledged the order.

#### Trooper Ann Malone - Witness

On February 5, 2018, Sergeant Jacob Fletcher interviewed Trooper Ann Malone as a witness to this investigation. Malone has been on the Highway Patrol for 14 and a half years, and on the District One Criminal Patrol team since June 2015. The following is a summary of the digitally recorded interview:

Malone acknowledged attending the 2016 DIAP conference, and a dinner involving Arnold-Yerkes along with her family. She could not recall if Arnold-Yerkes was wearing long or short sleeves during the dinner. She has never seen a tattoo on Arnold-Yerkes' lower arm. She was familiar with the "sleeve" Arnold-Yerkes wears, but she had never seen anything through or under the sleeve. Malone stated she never spoke to Arnold-Yerkes about the sleeve or having a tattoo. She added Martin and Ziehr had mentioned it in the past.

Malone had nothing additional to add to the interview. Fletcher ordered her not to discuss the investigation with anyone, and she acknowledged the order.

#### Sergeant Stacey Arnold-Yerkes – Subject of Investigation

Sergeant Arnold–Yerkes was interviewed on February 5, 2018, at 1:50 p.m., at the Shipley Building. Present for the interview was Staff Lieutenant Chad Miller and Union Representative Bruce Elling. Arnold-Yerkes was read and signed the DPS0036. The following is a summary of the digitally recorded interview:

Arnold-Yerkes advised she works the 8:00 a.m. to 4:00 p.m. shift, Monday through Friday. She has been employed by the State Highway Patrol for 23 years. She is a Criminal Interdiction Supervisor assigned to the Criminal Patrol Unit. She was promoted into the Criminal Patrol Unit over five years ago. Her direct supervisor is Lieutenant Nathan Dickerson.

I asked Arnold-Yerkes if Captain Kemmer was in her supervisory chain, and she answered yes. I asked if Kemmer was the statewide commander of the Criminal Patrol Unit, and she again answered yes.

I asked Arnold-Yerkes if she failed to obey a written order given to her from Kemmer. She responded yes. I asked why she failed to obey the order, and she said, "At the time, with everything that had been going on for almost the whole year previously leading up to that day, I had been experiencing harassment and targeting, and at the time felt ambushed. And I felt that I was being retaliated against and intimidated that stemmed from ultimately everything that had happened and a meeting that we had in Lima where Staff Lieutenant Stidham and Kemmer were present. Staff Lieutenant Stidham was caught in several lies and I had pointed those out in the meeting to everyone. Unbeknownst to me, Sergeant Smart had requested an AI be completed reference those lies to Captain Kemmer and ultimately brought it to the attention of Staff Lieutenant Stidham. I felt with everything that was going on with me and the events leading up to this meeting prior to this order, I felt this was retaliatory and was very uncomfortable in that situation. Hindsight being 20/20, I probably should have shown him. I didn't think of that at the time this was given to me. I was only thinking of all the things that transpired prior to that and why this was happening to me now."

Arnold-Yerkes advised she filed an Equal Employment Opportunity complaint approximately January 30, 2018; she did not know the exact date.

I asked Arnold-Yerkes if she understood Kemmer's order. She answered yes. I asked if Kemmer told her he was giving her a direct order, and she said yes.

I asked Arnold-Yerkes why she didn't just show Kemmer her forearms, and she replied, "I don't know. I wish that I had. My thought process at the time was what I just explained. That was going through my mind. I was in an uncomfortable situation. Like I said, hindsight being 20/20, it was a direct order from my captain. I should have done that, I disobeyed a direct order. I wish that I would have because then, I've never disobeyed a direct order in my life, in my career. I wasn't thinking about that at the time, I was thinking about everything that led up to this."

I asked Arnold-Yerkes if she has a tattoo on either of her forearms, and she answered yes. I showed Arnold-Yerkes the picture that Ziehr drew of the tattoo he claimed he saw on her forearm. I asked if the drawing was a good representation of her tattoo, and she replied no. Miller asked Arnold-Yerkes to describe the tattoo, and she said it was a heart, then she volunteered to show us the tattoo and let Miller take a photo of it and the brace (Attachment G).

I asked Arnold-Yerkes when she got the tattoo. She responded she did not know the exact date. She believed it was over the summer, maybe late summer.

I asked Arnold-Yerkes if she realized getting the tattoo was prohibited by policy (Attachment H), and she said, "I do now. At the time I wasn't thinking about policy and procedure when I had that done. I'm sure somewhere in the back of my mind I knew. Clearly, I violated policy of having tattoos. I'm not denying that."

Arnold-Yerkes asked if she could explain her reasoning behind the tattoo. She stated, "I have a four year old son and I also have a wife. When my son was born ultimately my baby leave to take time off for him was denied. I grieved that and I lost, to have time off for my son. It's difficult for me to make you understand what that felt like because at the time I felt very betrayed by the Highway Patrol. I felt like my family didn't mean as much as your family per se. Because my son is my son. That denial set me into a really bad place mentally, and I tried to put on a good face while I was at work. I didn't want to bring that to the workplace. But when I was at home I would come home from work and I would start to drink a lot. Because I felt like the Highway Patrol, please forgive me for using this word, like shit on my family. We didn't mean anything. We're supposed to be a Highway Patrol family. I had received a Highway Patrol brat certificate saying my son was part of the family. They insured my son, but yet I couldn't take off leave to be with him when he was born. That was very emotional for me. After I started drinking a lot my wife threatened to leave me. Ultimately, I got this tattoo that has my wife and my son's name on it. I wasn't thinking at the time that I was violating a policy and procedure. I know that it's wrong, I just wasn't in that frame of mind at the time. I wanted something permanent that I could see every day that the Highway Patrol could not take away from me. Like I had felt, like I was, had happened to me already. Does that make sense? It doesn't make what I did, putting a tattoo on my forearm, right. I just wanted to explain what my thought process was at the time. I wasn't intentionally trying to set out to violate a policy. I just really wasn't in a good place emotionally, mentally in my life."

I asked Arnold-Yerkes if she ever came to work without the sleeve on, and she said no. I asked if she wore the sleeve over her arm because she knew she was not supposed to have the tattoo. She answered, "Yes and no. Yes I knew I was not ultimately supposed to have the tattoo, but no I was not wearing the

sleeve to solely cover up the tattoo. I do have a legitimate, dating back to I think 2016. I do have a preexisting condition. I have tendinitis in both elbows. I have received multiple shots for those. The Highway Patrol doctor, during my GXT last time in '16, had said I shouldn't get any more. My next step should be surgery because the shots will eventually stop working. It will be a moot point. My wife is partially disabled. Around that time my son must have been around two or three-ish. My wife needed my help. There was no way I could go with one arm after a surgery and try to take care of my wife and my son at the same time, being that age. We had exhausted all of our help with our family members. To answer your question in a long way, ultimately yes, I knew that I shouldn't have it there. No, that was not the reason I had put that on there in the first place."

I asked Arnold-Yerkes if Lieutenant Dickerson ever questioned her about the tattoo. She responded not that she could recall. She did not recall anyone in her chain of command asking about it. She said Dickerson asked her about her arm sleeve, and she pulled her sleeve down for him but nothing was visible. She said she never showed Dickerson the tattoo.

Miller asked Arnold-Yerkes if Dickerson ever asked her about any tattoos being visible in uniform. She answered, "I don't remember."

Miller asked Arnold-Yerkes about the conversation she had with Dickerson prior to pulling the arm sleeve down. She said she remembered pulling the sleeve down, but she did not remember if she took it off or not. She did not remember when the conversation took place.

Miller asked Arnold-Yerkes if the conversation with Dickerson occurred before she got the tattoo, or she just didn't pull the arm sleeve down far enough to reveal the tattoo. She said she was not one hundred percent sure, but she believed the conversation took place before she got the tattoo.

I asked Arnold-Yerkes if she went to Dr. Kovac's office on September 7, 2017, to get the DPS 0066 signed. She answered no (Attachment I). I asked how she contacted Kovac, and she said she didn't contact Kovac. She stated Dickerson told her she needed a signed DPS 0066, signed by a doctor, if she was going to continue to wear the arm sleeve. She told Dickerson she would go to her doctor to get the DPS 0066 signed. Dickerson offered to contact Dr. Kovac to see if he would sign the DPS 0066 since it would save her \$20 in co-pay at her regular doctor. She stated she had nothing to do with filling out the DPS 0066.

Miller asked Arnold-Yerkes if anyone else on the Highway Patrol asked her if she had a tattoo. She responded, "No."

Miller asked Arnold-Yerkes when her son was born, and she said April 2013. Miller asked Arnold-Yerkes if she had tendinitis in both elbows. She answered yes. Miller asked why she did not wear a sleeve on her left arm, and she said sometimes she does, her upper muscle in her left arm is not as bad as the right arm.

Arnold-Yerkes said she was not disrespectful to Kemmer. She said he was visibly mad at their meeting.

Miller asked Arnold-Yerkes if the order asked her to remove clothing or just show her forearms. She answered, "That's correct." Miller asked if the order was basically what she did today by showing us her forearms. She responded yes.

Miller asked Arnold-Yerkes how she was "ambushed." She admitted ambushed was a poor choice of words, it was more of being taken off guard. Miller asked Arnold-Yerkes if Kemmer told her what the meeting was about before giving her the order, and she said yes.

Miller asked Arnold-Yerkes if she was willing to have the tattoo removed. She answered yes.

I asked Arnold-Yerkes if there was anything else she would like to add to this investigation. She said, "I know it might not mean anything to the people in this room because this is, I mean policy is black and white. Maybe for the record I wasn't meaning any disrespect towards my captain or to anyone else. Clearly I violated a policy regardless of my reasoning behind it. The intent was never there to purposely set out to violate a policy. I did what I did to help me get out of a dark place for whatever that's worth."

#### Attachments

- A. E-mail from Ziehr
- **B.** E-mail from Martin
- C. Written Order from Kemmer
- **D.** E-mails Altman and Stidham
- E. DPS 0066 Kovach signed
- F. Ziehr's Drawing
- G. Photos of Tattoo and Sleeve
- H. Policy and Procedure Sign off by Arnold-Yerkes
- I. Arnold-Yerkes' Unit History Report, September 7, 2017